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May 17, 2016

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**VIA ECF**

Office of the Clerk of Court  
United States Court of Appeals for the Second Circuit  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

**Re: Case Status Update**  
**Ross v. AXA Equitable Life Ins. Co., No. 15-2665**  
**Robainas v. Metropolitan Life Ins. Co., No. 15-3504**  
**Yarbrough v. AXA Equitable Life Ins. Co., No. 15-3553**  
**Intoccia v. Metropolitan Life Ins. Co., No. 15-4189**

Dear Clerk's Office:

I represent Appellants in the above-referenced appeals (the "Related Cases") and write today to provide a status update on those appeals. On November 16, 2015, Appellants filed an Unopposed Motion to Consolidate Related Appeals, (*Ross*, ECF No. 42; *Robainas*, ECF No. 14; *Yarbrough*, ECF No. 15), requesting that the Court consolidate the Related Cases and establish a briefing schedule to reflect consolidation, with one set of briefs governing the consolidated matter and the due date for Appellants' opening brief set for 30 days after the Supreme Court issues its decision in *Spokeo, Inc. v. Robins*, No. 13-1339, 2014 WL 1802228 (U.S.), *cert. granted*, 135 S. Ct. 1892 (2015).

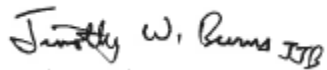
By Motion Order dated December 15, 2015, (*Ross*, ECF No. 61; *Robainas*, ECF No. 45; *Yarbrough*, ECF No. 43), the Court declined to formally consolidate the Related Cases, but instead directed that the Related Cases be heard "in tandem," with Appellants' opening briefs due thirty days after the Supreme Court issues a decision in *Spokeo* and oral argument heard before a single panel. The Court's Order also contemplated that the parties could file a single brief for all of the Related Cases, though the parties are not required to do so.

On February 12, 2016, Appellants filed an Unopposed Motion to Hear Case in Tandem with Related Appeals, (*Intoccia*, ECF No. 31), requesting that the *Intoccia* appeal be heard in tandem with *Ross*, *Robainas*, and *Yarbrough*, and that *Intoccia* be subject to the briefing schedule set out in the Court's December 15, 2015 Order. The Court granted this motion on February 18, 2016. (*Intoccia*, ECF No. 35).

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On May 16, 2016, the Supreme Court issued its decision in *Spokeo*. Pursuant to the Court's December 15 and February 18 Orders, Appellants' opening briefs are due thirty days from that decision, or June 15, 2016.

Sincerely,

A handwritten signature in black ink that reads "Timothy W. Burns" followed by a stylized monogram "TWB".

Timothy W. Burns